

**DECISION  
GRAFTON PLANNING BOARD**

**PROJECT PLAN REVIEW  
(Pursuant to Section 9.6.1.2 of the Grafton Zoning By-law)**

**Two (2) Megawatt Solar Photovoltaic Array  
East Campus Knoll Site – 30 Lower Valley Road**

**Tufts University/Cummings School of Veterinary Medicine (Applicant)  
200 Westboro Road, North Grafton, MA 01536**

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Decision of the Grafton Planning Board (hereinafter the BOARD) on the petition of Tufts University / Cummings School of Veterinary Medicine, 200 Westboro Road, North Grafton, MA (hereinafter the APPLICANT), for Project Plan Review, pursuant to Section 9.6.1.2 of the Grafton Zoning By-law, for the construction a Two (2) Megawatt Solar Photovoltaic Array. The project is located at 30 Lower Valley Road a/k/a East Campus Knoll, North Grafton, MA (hereinafter the SITE). Said property is owned by the Trustees of Tufts College.

**I. BACKGROUND**

The petition for the above referenced Project Plan Review (hereinafter Application) was submitted on August 20, 2014. The Planning Board considered the Application at a properly posted meeting of said Board on October 6, 2014. Notice of the public meeting and the subject matter thereof was published in the Grafton News on September 24, 2014 (in accordance with the requirements of Section 9.6.1.3 of the Zoning By-law), and posted with the Town Clerk's Office. At the public meeting, all those wishing to speak to the petition were heard.

The following Board members were present during the entire public review process: Chairman David Robbins, Vice Chairman Michael Scully, Clerk Sargon Hanna; Members Robert Hassinger and Linda Hassinger; and Associate Member Andrew Clarke. At the meeting the Applicant was represented by Jean Poteete, Senior Campus Planner for Tufts; Betsy Isenstein, of Tufts; Andrew Weber of SunEdison, LLC; Kenneth Sullinger and Kevin Sullivan of Fuss & O'Neill. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

**II. SUBMITTALS**

The following items were submitted to the Board for its consideration of this application:

**EXHIBIT 1.** Unbound Application packet submitted by the Fuss & O'Neill on August 20, 2014; including the following:

- Correspondence from Fuss & O'Neill; Project Plan Approval – SunEdison, LLC, Grafton East Campus Knoll Photovoltaic Array, Tufts Cummings School of Veterinary Medicine, Fuss & O'Neill Reference3 No. 20120314.B31; 1 page.
- Certificate of Good Standing, signed by the Treasurer / Collector's Office on August 8, 2014; 1 page.
- Stormwater Management Report, Tufts University – 2 MW Solar PV – Knoll Site; prepared by Fuss & O'Neill; dated August 8, 2014; 124 pages.

- Plan Set, Tufts Knoll 2MW Solar PV, Knoll Site, 200 Westboro Road, North Grafton, MA 01536; 11" x 17" (1 set) and 24" x 36" (1 set), black & white; prepared by Fuss and O'Neill; dated August 8, 2014; includes the following:
  - G1-001 Title Page
  - G1-002 Key Sheet
  - CN-101 Existing Conditions Site Plan
  - CN-102 Existing Conditions Site Plan
  - CP-101 Site Erosion & Sedimentation Control Plan
  - CP-102 Site Erosion & Sedimentation Control Plan
  - CS-101 Site Layout Plan
  - CS-102 Site Layout Plan
  - CU-101 Site Utility Plan
  - CU 102 Site Utility Plan
  - CD-501 Erosion & Sedimentation Control Details
  - CD-502 Construction Details
  - CD-503 Construction Details
  - CD-504 Construction Details

**EXHIBIT 2.** Additional application materials submitted by Fuss & O'Neill on August 28, 2014; including the following:

- Correspondence from SunEdison to Town Planner; dated July 16, 2014; 7 pages.
- Correspondence to Grafton Planning Board from SunEdison, Project Plan Approval – SunEdison, LLC, East Campus Knoll Photovoltaic Array, Tufts Cummings School of Veterinary Medicine; dated August 8, 2014; 3 pages.
- Operation and Maintenance Manual, SunEdison LLC; 28 pages.

**EXHIBIT 3.** Project Review Memorandum, Zoning Board of Appeals, received September 8, 2014; 1 page.

**EXHIBIT 4.** Notice of Public Hearing, Grafton Conservation Commission; Notice of Intent, Application for Wetland By-law Permit, and Application for Stormwater Management Permit; SunEdison; received August 29, 2014; 1 page.

**EXHIBIT 5.** Project Review Memorandum, Sewer Department, received September 5, 2014; 1 page.

**EXHIBIT 6.** Project Review Memorandum, Department of Public Works, received September 8, 2014; 1 page.

**EXHIBIT 7.** Correspondence from Graves Engineering, Tufts University – Knoll Site and Science Park Solar Projects Project Plan, Hydrology and Stormwater Review; dated and received September 17, 2014; 4 pages.

**EXHIBIT 8.** Correspondence from the Grafton Fire Department, Sun Edison, LLC – East Campus Knoll Solar Photovoltaic Array Tufts University; dated September 23, 2014, received September 24, 2014; 1 page.

**EXHIBIT 9.** Project Review Memorandum, Police Department, received October 3, 2014; 1 page.

**EXHIBIT 10.** Correspondence from Fuss & O'Neill; Response to Comments from Graves Engineering, Tufts University – Knoll Site and Science Part Solar Projects Project Review, Hydrology and Stormwater Review, Fuss & O'Neill Reference No. 20120314. B31 & B21; dated October 2, 2014, received October 3, 2014; 7 pages.

- EXHIBIT 11.** Email Correspondence from Grave Engineering, Tufts Knoll & Science Park Peer Review Comments; received October 6, 2014, 2 pages.
- EXHIBIT 12.** Plan Set, Tufts Knoll 2 MW Solar PV, Knoll Site, 200 Westboro Road, North Grafton, MA 01536; 11" x 17" (1 set) and 24" x 36" (1 set), black & white; prepared by Fuss and O'Neill; dated August 8, 2014 and revised on 10/6/14; includes the following:
- G1-001 Title Page
  - G1-002 Key Sheet
  - CN-101 Existing Conditions Site Plan
  - CN-102 Existing Conditions Site Plan
  - CP-101 Site Erosion & Sedimentation Control Plan
  - CP-102 Site Erosion & Sedimentation Control Plan
  - CS-101 Site Layout Plan
  - CS-102 Site Layout Plan
  - CU-101 Site Utility Plan
  - CU 102 Site Utility Plan
  - CD-501 Erosion & Sedimentation Control Details
  - CD-502 Construction Details
  - CD-503 Construction Details
  - CD-504 Construction Details
- EXHIBIT 13.** Plan; Conceptual Site Plan Gamechange Racking, Tufts University, Knoll Site; prepared by Fuss & O'Neill; 11" x 17" black & white; dated June 17, 2014; received October 6, 2014; 1 page.
- EXHIBIT 14.** Figure 1a: Project Visualization, The Knoll Site; prepared by Saratoga Associates; photographs, color, 8 ½ x 11"; submitted at the October 6, 2014 public hearing; 4 pages.
- EXHIBIT 15.** Presentation: 2 MW East Campus Knoll Photovoltaic Array, 2014, Cummings School of Veterinary Medicine at Tufts University; prepared by SunEdison LLC; presented at the October 6, 2014 Public Meeting before the Planning Board; 9 slides.
- EXHIBIT 16.** Public Meeting Sign In Sheet for the October 6, 2014 public meeting; 2 pages.
- EXHIBIT 17.** Correspondence from SunEdison; Photovoltaic System Installations at Grafton Science Park, 14 Yorkshire Lane, Grafton, Massachusetts and The Knoll, 30 Lower Valley Road, Grafton, Massachusetts (the "PV Systems"), entered into pursuant to those certain Special Conditions agreements entered into between SunEdison Originationl, LLC ("SunEdison" or "Provider") and the Trustees of Tufts College ("Tufts College" or "Purchaser") each dated as of September 4, 2012 (the "Tufts Agreements"); dated and received October 16, 2014; 2 pages.
- EXHIBIT 18.** Correspondence from Graves Engineering, Tufts University – Knoll Site and Science Park Solar Projects Project Plan, Hydrology and Stormwater Review; dated and received October 20, 2014; 5 pages.
- EXHIBIT 19.** Plan, Proposed Landscaping Plan Solar Electric System Client: Protech Energy Tufts 2MW Solar PV – Knoll Site, 200 Westboro Road, North Grafton, MA 01536; prepared by Fuss & O'Neill; dated: August 8, 2014, revised October 6, 2014; received October 22, 2014; 1 sheet.

**EXHIBIT 20.** Plan Set; Site Layout and Preparation, Solar Electric System Client: Protech Energy Tufts 2MW Solar PV – Knoll Site, 200 Westboro Road, North Grafton, MA 01536; prepared by Fuss & O'Neill; dated: August 8, 2014, revised October 21, 2014; received October 24, 2014; 3 sheets.

### **III. FINDINGS**

At their meeting of October 27, 2014 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

- F1. That determinations regarding the following findings are based upon the plans identified in this Decision, as well as the information and materials submitted and presented in association with the Application.
- F2. That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans and maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.
- F3. That the subject Site is located in an Office/Light Industrial (OLI) Zoning District and the Campus Development Overlay (CDO) District.
- F4. That the subject Site is located on property included as part of, and subject to, a Master Plan Approval granted by the Grafton Planning Board for the Tufts Campus pursuant to Section 9.6 of the Grafton Zoning By-law (hereinafter ZBL).
- F5. That this Application is for Project Plan Review, pursuant to Section 9.6.1.2 of the ZBL, for the construction of a one (1) megawatt solar photovoltaic array as shown on the plans and materials identified within the Exhibits of this Decision.
- F6. That Project Plan Review submissions are required for individual projects within the CDO District provided that: such project is located on property previously approved as part of a Master Plan pursuant to Section 9.6 of the ZBL; said Master Plan Approval is still in effect under Section 9.6.1.4 of the ZBL; and, that such project is for a use permitted under Section 9.4 of the ZBL.
- F7. That Section 9.6.1.3 of the ZBL requires, for the purposes of Project Plan Review, that the Planning Board make a determination as to whether or not the submission meets the requirements of Section 9 of the ZBL. The Board further finds that Section 9.6.1.3 sets forth the procedure for review of Project Plan submissions by the Planning Board.

At their meeting of October 27, 2014 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

- F8. That during the public meeting the Board and Applicant discussed the nature of the project. The Applicant gave a brief overview of the solar array which is to be located on a 7.2 acre parcel located to the east of Willard Road on the east campus. The Applicant noted that the site was part of the amended Master Plan recently approved by the Board.
- F9. That during the public meeting the Board and Applicant discussed access for fire protection and

emergency response. The Board noted that comments received from Graves Engineering regarding the grading of the access roadway would have to be reviewed by the Grafton Fire Department prior to making a Decision. The Board requested that staff coordinate additional review to ensure that all safety issues were adequately addressed on the revised plans. The Board finds that their request was met and that Graves Engineering submitted further peer review comments after their meeting with the Grafton Fire Department on October 8, 2014 (see EXHIBIT #18). The Board further finds that access road issues have been adequately addressed and the revised plan set satisfies the requirements for emergency access (EXHIBIT #12).

- F10. The Board finds that the issue of decommissioning and removal of the system and related equipment is of interest to the Town. Staff review with the Applicant raised some issues pertaining to the agreements set between the Applicant and SunEdison. SunEdison submitted correspondence to the Planning Board to make them aware of certain contractual obligations with respect to decommissioning of the planned systems that SunEdison has undertaken for the direct benefit of Tufts. (See EXHIBIT #17). Pursuant to Section 2.5 of the Tufts Agreements (which addresses decommissioning of the photovoltaic systems in the normal course) and Section 11.3 of the Tufts Agreements (which addresses decommissioning of the photovoltaic upon any early termination of the Tufts Agreements), SunEdison has an affirmative obligation to remove the photovoltaic systems from the premises at the end of the term of the Agreements, absent a purchase of the systems by Tufts. These Agreements are submitted to the Planning Board with the consent of Tufts. In addition, SunEdison agrees to notify the Town of Grafton Planning Department of any material reduction of SunEdison's decommissioning obligations as set forth in the Tufts Agreements. SunEdison requests that any permitting approvals to be granted by the Grafton Planning Board do not impose additional decommissioning obligations upon SunEdison or upon Tufts.
- F11. The Board finds that that Tufts is likely to have sufficient resources to address the issue of decommissioning and has entered into Agreements with SunEdison which outline that process. The Board finds that this arrangement is satisfactory and does not require any additional surety or decommissioning requirements from the Town.
- F12. That during the public meeting the Board and the Applicant discussed screening to offset the visual impacts of the facility. Review of projected visualizations were presented by the Applicant (see EXHIBIT #14). Of particular concern was the view northeast from Willard Street through the existing wooded area once the site has been cleared. Some of the wooded area will remain but the Board noted that the site would be visible especially during the winter months. The Board requested that the Applicant submit a proposed landscaping and screening plan prior to consideration of a Decision. The Board further finds that the Applicant complied with their request (see EXHIBIT #19). Staff review of the proposed landscaping plan requires that additional revisions are required to achieve the screening goals identified by the Board.
- F13. The Board finds that Graves Engineering submitted final comments on the soil testing to evaluate high groundwater levels which the Applicant was unable to perform at the time of Decision (see EXHIBIT #18). It was noted that the design engineer has proposed to verify bedrock and seasonal high groundwater prior to construction. Graves Engineering noted that, considering the information provided in the geotechnical boring logs and the current design of the basins, that they concur with the design engineer that any revisions, if needed, would likely not require significant impacts to the scope of work. The Board finds that this course of action is acceptable.

At their meeting of October 27, 2014 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mr. Hassinger) voted 5-0 to make the following Findings:

- F14. That the Application meets the requirements of Section 9.6.1.2 (A) through (D) with regard to project plan submittal requirements.
- F15. That the Application meets the requirements of Section 9.6.2.1 with regard to lot dimensions.
- F16. That the Application meets the requirements of Section 9.6.2.2 with regard to building and/or structure height.
- F17. That the Application meets the requirements of Section 9.6.2.3 with regard to setbacks, separation of buildings, and accessibility.
- F18. That the Application meets the requirements of Section 9.6.2.4 with regard to requirements for maximum ground coverage.
- F19. That the Application meets the requirements of Section 9.6.2.5 with regard to landscape buffer zones/landscaping.
- F20. That the Application meets the requirements of Section 9.6.3.1 with regard to the layout of streets and vehicular ways and pedestrian walkways.
- F21. That the Application meets the requirements of Section 9.6.3.2 with regard to parking.
- F22. That the Application meets the requirements of Section 9.6.3.3 with regard to loading areas.
- F23. That the Application meets the requirements of Section 9.6.3.4 with regard to drainage.
- F24. That the Application meets the requirements of Section 9.6.4 with regard to signs.

## **V. DECISION**

At their meeting of October 27, 2014 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Hanna, seconded by Mr. Hassinger) voted 5-0 to **APPROVE** the Project Plan Review Approval with the following conditions:

- C1.** This Approval is specifically for the construction of a two (2) megawatt solar photovoltaic array and associated equipment to be located on the Site as depicted on the plans identified in EXHIBITS #1 and #12 of this Decision. Unless modified by the Conditions of this Project Plan Review Approval, the Site with respect to the project/use authorized under this Decision shall be constructed and maintained as shown on the Plans identified in the EXHIBITS of this Decision and in accordance with the Grafton Zoning By-law.
- C2.** The Applicant will construct and maintain the access roadway into and within the site to ensure emergency vehicle access in accordance with the requirements of the Grafton Police Department, Grafton Fire Department and any other agencies as required by law. (See FINDING #F9).
- C3.** Removal of System at Expiration: Tufts has entered in agreements with SunEdison which, among other things; specifies the conditions for removal of the system (see EXHIBIT #17). Subject to the Applicant's exercise of its purchase option under Section 2.3, upon the expiration or earlier termination of the Agreement, SunEdison shall, at their expense, remove all of its tangible property

comprising the System from the Premises on a mutually convenient date but in no case later than sixty (60) days after the Expiration Date. The Premises shall be returned to its original condition except for ordinary wear and tear. For purposes of SunEdison's removal of the System, the Applicant's covenants pursuant to Section 7.2 shall remain in effect until the date of actual removal of the System. SunEdison shall leave the Premises in neat and clean order. If SunEdison fails to remove or commence substantial efforts to remove the System by such agreed upon date, SunEdison shall have the right, at its option, to remove the System to a public warehouse and restore the Premises to its original condition (other than ordinary wear and tear) at SunEdison's reasonable cost. (See FINDINGS #F10, #F11, and EXHIBIT #17).

- C4. Termination of Agreement between Tufts and SunEdison: Tufts has entered in agreements with SunEdison which, among other things; specifies the conditions for removal of the system (see EXHIBIT #14). Upon any termination of the Agreement between SunEdison and the Applicant, pursuant to Section I of said Agreement, Tufts will remove the system pursuant to Section 2.5 of the Agreement, absent any purchase of the System by Tufts pursuant to Section 2.2 of the Agreement. SunEdison will notify the Town of Grafton Planning Department of any material reduction of SunEdison's decommissioning obligations as set forth in its correspondence dated October 16, 2014 (EXHIBIT #17) and Tufts Agreements. (See FINDING #F10, #F11, and EXHIBIT #17).
- C5. All proposed plantings shown on the approved Landscape Plan (EXHIBIT #20), are to be installed and maintained. Prior to the installation of plant materials, the Applicant shall have the location of all proposed trees staked and will arrange a site walk with the Town Planner to approve the location of said trees for compliance with this decision. The size and quantity of the plant materials is to be in accordance with the Plant Schedule contained on the approved Landscape Plan entitled: "Proposed Planting Plan" referenced above. De minimus changes limited to the exact location of species and planting materials may be approved by the Town Planner provided the intent of the material is maintained. Prior to issuance of a Certificate of Completion, the Planning Board or its designated agent shall inspect all plantings to ensure that all the plantings have been installed as specified on the approved Landscape Plan (see FINDING #F12 and EXHIBIT #20).
- C6. The Applicant shall verify bedrock and seasonal high ground water prior to construction and will submit result to the Planning Board and Graves Engineering for their review. In the event that the tests result in design changes the Board may require the Applicant to submit a modification to this approval as specified in Condition #C10.
- C7. All other applicable Federal, State or Local permits and approvals for the proposed use shall be secured by the Applicant at the appropriate time, and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
- C8. All Grading and construction shall be performed in accordance with the approved Plans and the Conditions of this Project Plan Review Approval, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas from the site and its associated improvements during construction, and after completion.
- C9. This Approval shall not be construed as final approval of any on- or off-site improvements or work (such as water, sewer, drainage, or other utilities installation) associated with this project and shown on the Plans. All applicable Federal, State and Local approvals/permits shall be obtained by the Applicant prior to the construction of any portion of the development or off-site improvements that warrant such approvals/permits. All applicable requirements of the Grafton or South Grafton Water

District, Grafton Board of Sewer Commissioners / Sewer Department, Grafton Department of Public Works, and all other applicable utilities, are hereby incorporated by reference as a requirement of this Decision.

- C10.** Any modification to the project/use authorized by this Decision and/or site improvements as described within this Decision and as presented to the Board during the public meeting and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 9.6.1.2 of the Zoning By-law, and any other applicable regulations.
- C11.** The Planning Board reserves the right, pursuant to Section 9.6.1.2.D of the ZBL, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, or conducting any inspections or other work associated with the construction of the project. In accordance with Section 9.6.1.2.D, any fees or expenses associated with such reviews shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.
- C12.** Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this application are hereby incorporated by reference and constitute a condition to this Special Permit decision.

## **VI. RECORD OF VOTE**

Constituting a majority of the Planning Board, the following members voted to approve the Applicant's application for a Project Plan Review based on the information received at the public meeting and the aforementioned findings, and subject to the aforementioned conditions.

David Robbins, Chairman

Robert Hassinger

Michael Scully, Vice Chairman

Linda Hassinger

Sargon Hanna, Clerk

## **DATE OF FILING OF DECISION: BY ORDER OF THE BOARD**

October 30, 2014

  
Joseph Laydon, Town Planner

cc: Applicant / Owner

- Building Inspector
- Assessor

- Graves Engineering
- Fire Department